IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPEAL NO. 13 OF 2002

Mr. Eslie P. M. Noronha,
s/o Epitacio Noronha,
major of age, businessman,
r/o FF-4, 1st floor,
Noronha Apartments,
Opp, Sunaina Hotel,
Ambaji, Fatorda,Goa - 403 602. ... Appellant

versus

1. Mr. Prashant Pai Kakode,
   S/o Suryakant Pai Kakode,
   Major of age, businessman,
   R/o House No.18,
   Aquem Alto,
   Margao, Goa - 403 601.

2. State
   (through Public Prosecutor) ... Respondents

Mr. S. S. Kantak with Miss Rakhi Chodankar, Advocates for the Appellant.

Mr. Shivan Dessai, Advocate for Respondent No.1.

Mr. S. N. Sardessai, Public Prosecutor for Respondent No.2.

CORAM : P. V. HARDAS, J.

DATED : 16TH JANUARY, 2004.

ORAL JUDGMENT

This Appeal has been filed by the Appellant/Complainant assailing the Judgment of the learned Judicial Magistrate First Class, Margao, dated 11th January, 2002, in Criminal Case No.359/N/95/C, acquitting the Respondent No.1/Accused for an offence punishable under Section 138 of the Negotiable Instruments Act, 1881. This Appeal was partly heard and thereafter, during the argument, the learned Counsel appearing for the parties submitted that the parties were exploring the possibility of amicable settlement and in view of the statement, the hearing of the Appeal was adjourned.

2. Mr. S. S. Kantak, learned Counsel appearing on behalf of the Appellant states, on instructions, that the dispute between the parties has been amicably settled and in view of this, the Appellant seeks to withdraw the Appeal.

3. Mr. Shivan Dessai, learned Counsel appearing on behalf of Respondent No. 1 has also reiterated the submission of Mr. S. S. Kantak, learned Counsel appearing on behalf of the Appellant that the dispute between the parties has been amicably settled and as such, has no objection for withdrawal of the Appeal.

4. Criminal Appeal No. 13 of 2002 is dismissed as withdrawn.

P. V. HARDAS, J.

RD.